

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BERNETTA MIHELNICK,

Plaintiff,

v.

Case No. 05 C 135

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

FINAL APPROVAL ORDER

On August 17, 2006, this Court preliminarily approved the Class Settlement Agreement reached between plaintiff Bernetta Mihelnik and defendant NCO Financial Systems, Inc. The Court approved a form of notice for mailing to the class members, and set this matter over for a hearing on the fairness and final approval of the settlement, on November 30, 2006 at 10:30 a.m.

The Court is informed that notice was sent by first-class mail to 91 class members (counting couples and other joint persons as a single class member). A total of 27 envelopes were returned by the United States Postal Service marked as not deliverable; four of these envelopes were re-mailed to a forwarding address.

Of the class members receiving notice, no class members requested exclusion, no objections were filed or received, and no appearances were filed.

A total of four class members timely returned a valid proof of claim form and are therefore entitled to a share in the monetary benefits of the settlement; five others filed timely claim forms but are not entitled to the cash payment provided by the settlement, because they owe debts to defendant. No late claim forms were filed.

Under the terms of the settlement, all class members who owe a debt to defendant and who did not opt out of the litigation would receive a 15% credit on their outstanding balances, without having to submit a claim form. The five class members who submitted a claim form but who owed a debt to defendant will receive such a credit on their outstanding debts.

On the morning of November 30, 2006, the Court held a fairness hearing to which class members, including any with objections, were invited. No class members appeared.

This Court, upon that hearing and being fully and otherwise advised in the premises, hereby orders as follows:

1. The Court finds that the settlement is fair and reasonable, and hereby finally approves the settlement agreement submitted by the parties. This Court specifically approves of an award to plaintiff of \$1,000 in statutory damages and in recognition for her services as class representative; and an award to each class member of either (a) a fifteen percent (15%) credit on the outstanding balance of the debt that he or she owes to defendant, or (b) a \$100 payment by check if he or she owes no such debt, all subject to the terms of the agreement.

2. The Court finds that the payment of \$9,000 by defendant to counsel for the class, for attorney's fees, costs, and expenses, is fair and reasonable, and therefore approves of such a payment.

3. The four class members who submitted a valid, timely claim form will each receive a \$100 payment by check, pursuant to the terms of the settlement.

4. Distribution of payments to class members receiving a check will occur by January 5, 2007, with those checks being void after March 6, 2007. Credits to outstanding debts being provided to class members under this agreement will be posted by January 5, 2007.

5. By May 7, 2007, defendant shall pay any remaining funds of the class recovery to the Legal Aid Society of Milwaukee, Inc., 521 North 8th Street, Milwaukee, Wisconsin.

6. Plaintiff and the members of the class will grant defendants the following release:

Plaintiff, and each class member not opting out, as of the Effective Date of the Settlement Agreement, do hereby release and forever discharge defendant NCO Financial Systems, Inc., and its present or former officers, directors, representatives, employees, agents, predecessors, successors, subsidiaries, affiliates, or shareholders ("Released Parties") of and from all causes of action, suits, claims and demands, whatsoever, for anything that occurred from the beginning of time up through and including the date the Court gives final approval to this settlement agreement, in law or in equity, arising out of all of the allegations made, in the action styled Mihelnik v. NCO Financial Systems, Inc., Case No. 05 C 135 RTR (E.D.Wis.). This release is conditioned upon the final approval of the Settlement Agreement by the Court and defendant meeting its obligations therein.

7. The Court finds the settlement agreement to be fair and made in good faith, and that it was reached as a result of arms-length negotiation.

8. The Court finds that the class certified in this matter, for the purposes of settlement, meets the requirements of Fed.R.Civ.P. 23(a) and 23(b)(3).

9. The Court dismisses the claims of plaintiff and the class against defendant and the Released Parties with prejudice and without costs (other than what has been provided for in the Settlement Agreement).

10. The Court retains jurisdiction over the interpretation, enforcement and implementation of the Settlement Agreement and of this Order.

SO ORDERED this 6th day of December, 2006.

ENTER: s/ Rudolph T. Randa
Rudolph T. Randa
Chief Judge